

**APPENDIX D
TERMS AND CONDITIONS OF EMPLOYMENT OF THE
CLASSIFICATIONS LISTED IN SUB-SECTION B WAGES BELOW:**

Unless otherwise specified in the MOU, provided below are the applicable terms and conditions of employment for employees in the Per Diem classifications covered by this Appendix D.

- (a) The following Articles shall apply to employees in the Per Diem classifications covered by this Appendix D, as applicable: Recognition; Access to Personnel Records; Access to Work Locations; Authorized Employee Representatives; County Issued Identification/Access Cards and Equipment; County Management Rights; Definitions; Direct Deposit (Electronic Fund Transfer); Disaster Service Workers and Assignment During Emergencies; Dues Deductions; Expense Reimbursement; Fitness for Duty; Full Understanding, Modification and Waiver; Grievance Procedure (Except Section 10) to grieve only those matters governed by this section (a) (except County Management Rights and Non-Discrimination); Implementation; Meal and Break Periods; Non Discrimination; Obligation to Support; Pay Period; Payroll Adjustments; Provisions of Law; Salary Adjustments; Term; Time and Labor Reports; Use of County Resources and Bulletin Boards; and Work Disruption.
- (b) **Wages.** The hourly salary rates for Per Diem classifications are listed below.

**Effective the pay period following Board approval of
Appendix D
3% Across the Board Increase**

Job Code	Per Diem Classifications	First Step	Step after 1,040 Hrs
16399	Per Diem - Clinical Therapist I	\$44.08	\$45.19
16400	Per Diem - Clinical Therapist II	\$46.32	\$47.47
16404	Per Diem - Dietitian	\$37.79	\$38.74
12026	Per Diem - Laboratory Technologist	\$53.59	\$54.92
16397	Per Diem - Occupational Therapist I	\$48.67	\$49.88
16398	Per Diem - Occupational Therapist II	\$53.24	\$54.57
16412	Per Diem - Physical Therapist I	\$48.67	\$49.88
16413	Per Diem - Physical Therapist II	\$53.24	\$54.57
16414	Per Diem - Speech Therapist	\$54.52	\$55.88

**Effective 3/13/2021
3% Across the Board Increase**

Job Code	Per Diem Classifications	First Step	Step after 1,040 Hrs
16399	Per Diem - Clinical Therapist I	\$45.40	\$46.55
16400	Per Diem - Clinical Therapist II	\$47.71	\$48.89
16404	Per Diem - Dietitian	\$38.92	\$39.90
12026	Per Diem - Laboratory Technologist	\$55.20	\$56.57
16397	Per Diem - Occupational Therapist I	\$50.13	\$51.38
16398	Per Diem - Occupational Therapist II	\$54.84	\$56.21
16412	Per Diem - Physical Therapist I	\$50.13	\$51.38
16413	Per Diem - Physical Therapist II	\$54.84	\$56.21
16414	Per Diem - Speech Therapist	\$56.16	\$57.56

Effective 3/26/2022

3% Across the Board Increase

Job Code	Per Diem Classifications	First Step	Step after 1,040 Hrs
16399	Per Diem - Clinical Therapist I	\$46.76	\$47.95
16400	Per Diem - Clinical Therapist II	\$49.14	\$50.36
16404	Per Diem - Dietitian	\$40.09	\$41.10
12026	Per Diem - Laboratory Technologist	\$56.86	\$58.27
16397	Per Diem - Occupational Therapist I	\$51.63	\$52.92
16398	Per Diem - Occupational Therapist II	\$56.49	\$57.90
16412	Per Diem - Physical Therapist I	\$51.63	\$52.92
16413	Per Diem - Physical Therapist II	\$56.49	\$57.90
16414	Per Diem - Speech Therapist	\$57.84	\$59.29

Effective 03/25/2023

2% Across the Board Increase

Job Code	Per Diem Classifications	First Step	Step after 1,040 Hrs
16399	Per Diem - Clinical Therapist I	\$47.70	\$48.91
16400	Per Diem - Clinical Therapist II	\$50.12	\$51.37
16404	Per Diem - Dietitian	\$40.89	\$41.92
12026	Per Diem - Laboratory Technologist	\$58.00	\$59.44
16397	Per Diem - Occupational Therapist I	\$52.66	\$53.98
16398	Per Diem - Occupational Therapist II	\$57.62	\$59.06
16412	Per Diem - Physical Therapist I	\$52.66	\$53.98
16413	Per Diem - Physical Therapist II	\$57.62	\$59.06
16414	Per Diem - Speech Therapist	\$59.00	\$60.48

- (c) **Working on a Holiday.** Per Diem employees covered by this Appendix D shall be paid twice the base hourly rate for hours worked on the following holidays:

January 1	Last Monday in May
July 4	First Monday in September
November 11	Thanksgiving Day
Day after Thanksgiving	December 24
December 25	December 31

Holiday hours for the purpose of these holidays will begin with the night shift the day before the holiday and end with the evening shift of the day of the holiday. Time worked on these holidays shall be considered as hours worked for purposes of computing overtime.

- (d) **Overtime.** Per Diem employees covered by this Appendix D shall be paid at one and one-half times their regular rate of pay for hours worked in excess of forty (40) hours per work week or twelve (12) hours per day. Work week shall be defined as 12:01 a.m. each Saturday and end at 12:00 a.m. (midnight) the following Friday.

- (e) **Differentials.**

- (i) **Clinical Therapists Detention Facilities Differential.** Per Diem – Clinical Therapist I/II regularly assigned to detention facilities shall be paid a differential of one dollar (\$1.00) per hour over and above their base hourly rate for all hours actually worked, not to exceed eighty (80) hours per pay period.
- (ii) **Inpatient Assignment Differential.** Per Diem – Clinical Therapists I/II and Per Diem – Occupational Therapists I/II with a continuous assignment for work in the Behavioral Health Inpatient Unit of Arrowhead Regional Medical Center shall receive inpatient assignment compensation.

The appointing authority shall designate those positions eligible to receive inpatient assignment compensation of one dollar and twenty-five cents (\$1.25) per hour over and above their base hourly rate for all hours actually worked, not to exceed eighty (80) hours per pay period.

- (iii) **Medical Support Shift Differentials.** Per Diem – Clinical Therapists I/II, Per Diem – Dietitian, and Per Diem – Laboratory Technologist assigned to hospital, mental, or correctional institutions who work an assigned shift where the majority of hours, including meal time and at least four (4) hours, are worked between 6:00 p.m. and 12:00 a.m. (midnight), shall receive two dollars (\$2.00) per hour over and above their base hourly rate.

Those eligible employees who work an assigned shift, where the majority of hours, including meal time, and at least four (4) hours, are worked between 12:00 a.m. (midnight) and 8:00 a.m. of the following day, shall receive three dollars and thirty five cents (\$3.35) per hour over and above their base hourly rate.

As provided above, employees shall be eligible to receive shift differential compensation only when the majority of hours worked are covered by a shift differential. For example, an employee is assigned to work from 12:30 p.m. to 10:00 p.m. (i.e., a 9 hour shift with a 30 minute meal period). Since the majority of hours worked (i.e., 5.5 hours less a 30 minute meal period) are not covered by a shift differential, the employee is not eligible to receive shift differential compensation.

When hours worked overlap more than one shift differential, employees shall receive the applicable shift differential based on the majority of shift worked, for the total number of hours during that shift. For example, an employee is assigned to work from 7:00 p.m. to 3:30 a.m. (i.e., an 8 hour shift with a 30 minute meal period). Since the majority of hours (i.e., 4.5 hours less the 30 minute meal period) are worked during the period of time covered by the Evening Shift differential, the employee would receive the Evening Shift differential (i.e., REG2) for all hours during that shift (i.e., 8 hours).

Employees who are assigned to a continuous evening or night shift shall receive such differential in addition to base pay when computing paid leave compensation.

Employees eligible for the differential shall not receive the differential during a leave of more than a full pay period (e.g., sick, vacation for sick leave purposes, etc.), provided, however, that employees who, with the approval of the appointing authority, take a vacation of more than a full pay period (e.g., vacation leave, etc.) excluding employees who are using paid leave time to extend their years of service prior to retirement, shall be eligible to receive the differential.

- (iv) **Medical Support Weekend Differential.** Per Diem – Clinical Therapists I/II, Per Diem – Dietitian, and Per Diem – Laboratory Technologist assigned to hospital, mental, or correctional institutions, who are called into work on a weekend that the employee was not pre-scheduled to work, shall be paid an additional three dollars (\$3.00) per hour over and above their base hourly rate for all hours actually worked. “Weekend” for purposes of this provision is between 11:00 p.m. Friday through 11:00 p.m. Sunday night. In no event shall this differential be paid for a weekend that the employee was pre-scheduled to work. Employees who receive this differential are not eligible to receive other shift differentials (e.g., Evening and Night Shift differentials) for hours worked during the weekend shift.
- (v) **Differentials.** Per Diem employees shall be eligible to receive any other differentials, in the same manner and in the same amount, that are established during the term of this 2020 – 2024 MOU for a corresponding regular employee in this bargaining unit.

(f) **Retirement.**

(i) **PST Deferred Compensation Plan.** Per Diem employees covered by this Appendix D are not eligible to participate in the County's defined benefit plan. Per Diem employees covered by this Appendix D shall participate in the County's PST deferred compensation plan in lieu of participation in the defined benefit plan. Said employees shall contribute seven and one-half percent (7.5%) of the employee's biweekly base compensation.

(ii) **Deferred Compensation.** Per Diem employees covered by this Appendix D may participate in the Section 457(b) deferred compensation plan administered by County, to the maximum extent provided by law, but shall not receive a County match.

(g) **Unclassified Service.** Per Diem employees covered by this Appendix D are in the Unclassified Service, and therefore do not have Civil Service Commission appeal rights as they are at-will and serve at the pleasure of the appointing authority, except as otherwise provided by law. As such, the Personnel Rules shall not apply to employees in the Per Diem classifications covered by this Appendix D.

(h) **Hours of Work.** Employees shall be required to work during such hours as necessary to carry out the duties of their position, as designated by the appointing authority, and such hours may be varied so long as the work requirements and efficient operations of the County are assured. Employees shall be advised of any minimum commitment requirement (e.g., number of hours, days, and/or weekends) established by the appointing authority.

(i) **Dependent Care Assistance Plan.** The purpose of the Section 125 Dependent Care Assistance Plan (DCAP) is to permit eligible Per Diem employees covered by this Appendix D to make an election to pay for certain dependent care expenses with salary reduction from compensation contributed to the Plan before federal income tax is paid to the Internal Revenue Service ("Salary Reduction") in accordance with Sections 125 and 129 of the Internal Revenue Code (IRC) of 1986 and regulations issued pursuant thereto. DCAP shall be construed to comply with said Code Sections and to meet the requirements of any other applicable provisions of law.

DCAP will be administered by the County's Human Resources Employee Benefits & Services Division consistent with said IRC Sections and the County's Dependent Care Assistance Plan Document.

Enrollment. Enrollment in the Plan is required every Plan Year and is limited to the annual open enrollment period or within sixty (60) calendar days following the date of becoming eligible due to a mid-year Change in Status event. Failure to submit a participation agreement within the time frame shall result in an election to not participate in the Plan.

Elections. Eligible Per Diem employees may contribute, on a pre-tax basis, each bi-weekly pay period, an amount up to the IRC annual maximum. DCAP contributions will be automatically deducted from the employee's pay warrant, or in the absence of sufficient earnings to cover the deduction, the employee will be offered the option to contribute by another method as provided by the DCAP Document. An employee election to participate shall be irrevocable for the remainder of the Plan Year. Once a salary reduction has begun, in no event will changes in elections be permitted during the Plan Year except to the extent permitted under Internal Revenue Service rulings and regulations and the County's Dependent Care Assistance Plan Document.

Remaining Balances. Pursuant to IRC Section 125, any amounts remaining in the employee's account at the end of a Plan Year must be forfeited. The County will use any forfeited amounts to help defray the Plan's administrative expenses.

(j) **Sick Leave.** Per Diem employees covered by this Appendix D shall be provided paid Sick Leave as required by law. Paid sick leave is an insurance or protection to be granted in circumstances of adversity to promote the health of the employee. It is not an earned right to time off from work. Sick leave is the authorized absence from duty of an employee for the following purposes:

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. Family is defined as a child (biological, adopted, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis

regardless of age or dependency status); a biological, adoptive, or foster parent, stepparent, legal guardian of an employee or employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor; spouse, registered domestic partner; grandparent; grandchild; or sibling.

- If the eligible employee is a victim of domestic violence, sexual assault, or stalking, for the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1 of the California Labor Code.

Separation - No paid sick leave shall be used as vacation, cashed-out upon separation, termination, retirement, or other separation from employment.

Notice of Sickness - The employee shall provide reasonable advance notification of the need for paid sick leave if the leave is foreseeable. In twenty-four (24) hour departments and for employees whose work assignment requires leaving their assigned work site together with one or more other employees shortly after reporting to work (e.g., road crews), the appointing authority or designee should be notified at least two (2) hours prior to the start of the employee's scheduled tour of duty of a sickness on the first day of absence and must be notified at least one (1) hour prior to the start of the employee's scheduled tour of duty. In other departments, the appointing authority or designee must be notified within one-half (1/2) hour after the start of the employee's scheduled tour of duty of a sickness on the first day of absence.

Minimum charge - The minimum charge against sick leave shall be no less than fifteen (15) minutes.

Compensation - Paid sick leave will be compensated at the employee's base hourly rate.

Review - Use of paid sick leave accrued pursuant to the terms of the California Healthy Workplaces, Healthy Families Act, is not subject to a requirement of a doctor's note or proof of illness, unless there is a reasonable belief of misuse.

Accrual - Employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked. Employees will be eligible to use sick leave on the first day following the pay period after ninety (90) days of employment, with a cap on annual usage of three (3) days or twenty-four (24) hours per year, whichever is greater. One year shall be calculated on a 12-month basis from the first date the employee is eligible to use paid sick leave.

The use of paid sick leave does not count toward the accrual for further sick leave or in the calculation for the purposes of overtime. Unused accrued sick leave shall carry over to the following year; however, the leave balance will be capped at six (6) days or 48 hours, whichever is greater.

- (k) **Low Census.** At the sole discretion of the County, Per Diem employees covered by this Appendix D may be called off without pay at any time if it is determined that the patient census is such that their services are not immediately necessary.
- (l) **Medical Coverage.** Employees who meet the eligibility requirements of the Affordable Care Act shall be eligible to enroll in the County-sponsored Blue Shield Bronze PPO Plan.
- (m) **Closed Examinations.** In addition to open examinations, Per Diem employees covered by this Appendix D shall be eligible to participate in the closed examination process. For the purposes of this Section (l), a closed examination shall be an examination that is limited to a particular agency or department.